



Connecticut Business & Industry Association

Testimony of Kia F. Murrell

Assistant Counsel, CBIA

Before the Committee on Labor and Public Employees

Hartford, CT

February 24, 2011

**H.B. 6408 AAC Post-Traumatic Stress Disorder and the
Workers Compensation Act**

Good Afternoon Senator Prague, Representative Zalaski and other members of the Committee. My name is Kia Murrell, Assistant Counsel for Labor & Employment matters for the Connecticut Business and Industry Association (CBIA). CBIA represents more than 10,000 companies throughout the state of Connecticut, ranging from large corporations to small businesses.

CBIA does not support legislation that increases workers' compensation costs for Connecticut employers or makes it more difficult for them to manage workers' compensation claims. Unfortunately, we believe that **H.B. 6408** will have a significant negative impact on workers' compensation costs by encouraging and thereby increasing the number of claims based on purely emotional injuries. For this reason, we strongly oppose this legislation.

H.B. 6408 proposes to reinsert the post-traumatic stress disorder clause into the Workers' Compensation Act. This would allow workers' compensation claimants to be compensated for a purely mental injury (via a medical diagnosis for post-traumatic stress disorder) with no associated physical injury. In recognition of the fact that being inactive and/or out of work for long periods may cause some injured workers to have emotional/mental disorders, the law currently and appropriately compensates workers for psychological injuries, such as depression, that stem directly from physical work-related injuries. However, given the ever-increasing number of mental diagnoses and emotional disorders today, **H.B. 6408** will undermine the purpose of the current law that limits benefits to only those claimants who have a verifiable, physical injury related to work.

Without an associated work-related physical injury, it will be difficult for employers to challenge and defend against purely emotional disorders, particularly when they are temporary. Although we do not yet have a cost-impact analysis on this proposal, we know that if this legislation is enacted, it will open the door for those with other purely mental and

emotional injuries to seek compensation, thereby significantly increasing workers' comp costs for the average Connecticut employer.

Moreover, in cases where post-traumatic stress disorder aggravates an existing chronic mental condition, the employer would be liable for the entire emotional injury or permanent partial disability to the brain. Given that many people have both diagnosed and undiagnosed chronic mental conditions and the fact that, as a category, the brain has the highest number of weeks on the benefit schedule at 520 weeks, this could lead to a nightmare for many employers and insurers throughout the state. For these reasons, we strongly oppose this legislation.